

The House Committee on Code Revision offers the following substitute to HB 180:

**A BILL TO BE ENTITLED
AN ACT**

1 To amend various titles of the Official Code of Georgia Annotated so as to repeal provisions
2 creating inactive boards, panels, authorities, centers, commissions, committees, councils, task
3 forces, and other such bodies; to remove inapplicable references; to provide for a revision;
4 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
5 for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **PART I**
8 **SECTION 1-1.**

9 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
10 repealing Chapter 15, relating to Pacific White Shrimp Aquaculture Development, and
11 designating said chapter as reserved.

12 **PART II**
13 **SECTION 2-1.**

14 Said title is further amended by repealing Chapter 18, relating to the Georgia Tobacco
15 Community Development Board, and designating said chapter as reserved.

16 **SECTION 2-2.**
17 Any assets of the Georgia Tobacco Community Development Board existing as of June 30,
18 2019, shall devolve by operation of law and without further action to the State of Georgia on
19 July 1, 2019. Any liabilities and obligations of the Georgia Tobacco Community
20 Development Board existing as of June 30, 2019, shall be transferred to and assumed by the
21 State of Georgia, by such instruments as may be required to maintain the same.

22

SECTION 2-3.

23 Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense
24 allowance and travel cost reimbursement for members of certain boards and commissions,
25 is amended by revising subsection (a) as follows:

26 "(a) Each member of the boards and commissions enumerated in this Code section shall
27 receive the same expense allowance per day as that received by a member of the General
28 Assembly for each day such member of a board or commission is in attendance at a
29 meeting of such board or commission, plus reimbursement for actual transportation costs
30 while traveling by public carrier or the legal mileage rate for the use of a personal
31 automobile in connection with such attendance. The expense allowance and
32 reimbursement provided for in this Code section shall be paid in lieu of any per diem,
33 allowance, or other remuneration now received by any such member for such attendance.
34 The existing law relative to any limitation on the number of meeting days and remuneration
35 for service on committees or subcommittees of any such board or commission shall remain
36 in effect. The boards and commissions to which this Code section shall be applicable are
37 as follows:

38 (1) State Board of Education;
39 (2) Board of Regents of the University System of Georgia;
40 (2.1) Board of Community Supervision;
41 (3) Board of Corrections;
42 (4) Board of Economic Development;
43 (5) Board of Natural Resources;
44 (6) Georgia Emergency Communications Authority;
45 (7) Dental Education Board;
46 (8) Georgia Student Finance Commission;
47 (9) Veterans Service Board;
48 (10) Georgia Agricultural Exposition Authority;
49 (11) Georgia Board for Physician Workforce;
50 (12) Georgia Music Hall of Fame Authority;
51 (13) Georgia Sports Hall of Fame Authority;
52 (14) Georgia Rail Passenger Authority;
53 (15) ~~Georgia Tobacco Community Development Board;~~
54 (16)(15) State Board of the Technical College System of Georgia; and
55 (17)(16) Civil War Commission; and
56 (18) ~~The delegation from the State of Georgia to the Southern Dairy Compact
57 Commission."~~

58

SECTION 2-4.

59 Code Section 50-13-2 of the Official Code of Georgia Annotated, relating to definitions for
60 state government administrative procedure, is amended by revising paragraph (1) as follows:

61 "(1) 'Agency' means each state board, bureau, commission, department, activity, or
62 officer authorized by law expressly to make rules and regulations or to determine
63 contested cases, except the General Assembly; the judiciary; the Governor; the State
64 Board of Pardons and Paroles; the State Financing and Investment Commission; the State
65 Properties Commission; the Board of Bar Examiners; the Board of Corrections and its
66 penal institutions; the State Board of Workers' Compensation; all public authorities
67 except as otherwise expressly provided by law; the State Personnel Board; the
68 Department of Administrative Services or commissioner of administrative services; the
69 Board of Regents of the University System of Georgia; the Technical College System of
70 Georgia; the Nonpublic Postsecondary Education Commission; the Department of Labor
71 when conducting hearings related to unemployment benefits or overpayments of
72 unemployment benefits; the Department of Revenue when conducting hearings relating
73 to alcoholic beverages, tobacco, or bona fide coin operated amusement machines or any
74 violations relating thereto; the ~~Georgia Tobacco Community Development Board~~; the
75 Georgia Higher Education Savings Plan; the Georgia ABLE Program Corporation; any
76 school, college, hospital, or other such educational, eleemosynary, or charitable
77 institution; or any agency when its action is concerned with the military or naval affairs
78 of this state. Such term shall include the State Board of Education and Department of
79 Education, subject to the following qualifications:

80 (A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid
81 rules adopted by the State Board of Education and Department of Education prior to
82 January 1, 1990, are ratified and validated and shall be effective until January 1, 1991,
83 whether or not such rules were adopted in compliance with the requirements of this
84 chapter; and

85 (B) Effective January 1, 1991, any rule of the State Board of Education or Department
86 of Education which has not been proposed, submitted, and adopted in accordance with
87 the requirements of this chapter shall be void and of no effect."

88

PART III

89

SECTION 3-1.

90 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
91 repealing Chapter 20, relating to the Southern Dairy Compact, and designating said chapter
92 as reserved.

93

PART IV

94

SECTION 4-1.

95 Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic
96 areas, memorials, and recreation, is amended by repealing Code Section 12-3-73, relating to
97 creation of the Heritage Trust Commission, appointment and criteria for selection of
98 members, terms of office, reimbursement of members for expenses, and duties, and
99 designating said Code section as reserved.

100

PART V

101

SECTION 5-1.

102 Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and
103 learning, is amended by repealing Article 3, relating to the Child Care Council.

104

SECTION 5-2.

105 Any assets of the Child Care Council existing as of June 30, 2019, shall devolve by operation
106 of law and without further action to the State of Georgia on July 1, 2019. Any liabilities and
107 obligations of the Child Care Council existing as of June 30, 2019, shall be transferred to and
108 assumed by the State of Georgia, by such instruments as may be required to maintain the
109 same.

110

SECTION 5-3.

111 Said chapter is further amended by revising subsection (d) of Code Section 20-1A-3, relating
112 to the commissioner, board, duties and powers, salary, personnel, and rules and regulations,
113 as follows:

114 "(d) The board shall determine policies and promulgate rules and regulations for the
115 operation of the department including:

116 (1) Functions formerly performed by the Office of School Readiness, including, but not
117 limited to, Even Start;

118 (2) Functions transferred to the department from the Department of Human Resources
119 (now known as the Department of Human Services) relating to day-care centers (now
120 known as child care learning centers), group day-care homes (now known as child care
121 learning centers), family day-care homes (now known as family child care learning
122 homes), and other functions as agreed upon by the department and the Department of
123 Human Resources (now known as the Department of Human Services) in accordance
124 with Code Section 20-1A-8; and

125 (3) Functions transferred to the department from the Georgia Child Care Council
126 pursuant to Code Section 20-1A-63; and
127 (4) Functions relating to early childhood education programs transferred from the
128 Department of Education by agreement in accordance with Code Section 20-1A-17."

129 **SECTION 5-4.**

130 Said chapter is further amended by revising paragraph (6) of Code Section 20-1A-4, relating
131 to powers and duties of the Department of Early Care and Learning, as follows:

132 "(6) To perform the functions set out in Code Section 20-1A-64, relating to improvement
133 of improve the quality, availability, and affordability of child care in this state;"

134 **SECTION 5-5.**

135 Said chapter is further amended by revising subsection (b) of Code Section 20-1A-8, relating
136 to transfer of functions, powers, personnel, equipment, and assets of the department, as
137 follows:

138 "(b) Effective October 1, 2004, notwithstanding the advisory functions of the Georgia
139 Child Care Council included in Code Section 20-1A-63, the department shall carry out the
140 functions and exercise the powers formerly held by the Georgia Child Care Council under
141 former Article 11 of Chapter 5 of Title 49. Subject to subsection (c) of this Code section,
142 all persons employed by and positions authorized for the Georgia Child Care Council to
143 perform functions relating to the recommendation of measures to improve the quality,
144 availability, and affordability of child care in this state on September 30, 2004, shall on
145 October 1, 2004, be transferred to the department. All office equipment, furniture, and
146 other assets in possession of the Georgia Child Care Council or the Department of Human
147 Resources, (now known as the Department of Human Services) which are used or held
148 exclusively or principally by personnel transferred under this subsection shall be
149 transferred to the department on October 1, 2004."

150 **PART VI**

151 **SECTION 6-1.**

152 Code Section 20-3-73.3 of the Official Code of Georgia Annotated, relating to the Georgia
153 Southern University Herty Advanced Materials Development Center and its advisory board,
154 is amended by repealing subsection (f).

155

PART VII

156

SECTION 7-1.

157 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
158 education, is amended by repealing Article 6, relating to the Private Colleges and
159 Universities Authority, and designating said article as reserved.

160

SECTION 7-2.

161 Any assets of the Private Colleges and Universities Authority existing as of June 30, 2019,
162 shall devolve by operation of law and without further action to the State of Georgia on July
163 1, 2019. Any liabilities and obligations of the Private Colleges and Universities Authority
164 existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by
165 such instruments as may be required to maintain the same.

166

PART VIII

167

SECTION 8-1.

168 Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to
169 education accountability assessment programs, is amended by repealing Part 7, relating to
170 the Education Information Steering Committee, and designating said part as reserved.

171

SECTION 8-2.

172 Any assets of the Education Information Steering Committee existing as of June 30, 2019,
173 shall devolve by operation of law and without further action to the State of Georgia on July
174 1, 2019. Any liabilities and obligations of the Education Information Steering Committee
175 existing as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by
176 such instruments as may be required to maintain the same.

177

PART IX

178

SECTION 9-1.

179 Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to care and
180 protection of indigent and elderly patients, is amended by repealing Article 9, relating to the
181 Federal and State Funded Health Care Financing Programs Overview Committee, and
182 designating said article as reserved.

183

SECTION 9-2.

184 Any assets of the Federal and State Funded Health Care Financing Programs Overview
185 Committee existing as of June 30, 2019, shall devolve by operation of law and without
186 further action to the State of Georgia on July 1, 2019. Any liabilities and obligations of the
187 Federal and State Funded Health Care Financing Programs Overview Committee existing
188 as of June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such
189 instruments as may be required to maintain the same.

190

PART X

191

SECTION 10-1.

192 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
193 repealing Chapter 43, relating to the Commission on Men's Health, and designating said
194 chapter as reserved.

195

SECTION 10-2.

196 Any assets of the Commission on Men's Health existing as of June 30, 2019, shall devolve
197 by operation of law and without further action to the State of Georgia on July 1, 2019. Any
198 liabilities and obligations of the Commission on Men's Health existing as of June 30, 2019,
199 shall be transferred to and assumed by the State of Georgia, by such instruments as may be
200 required to maintain the same.

201

PART XI

202

SECTION 11-1.

203 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
204 Code Section 31-44-3, relating to adoption of rules by the Board of Community Health, as
205 follows:

206 "31-44-3.

207 (a) The board shall adopt rules to implement this chapter, including but not limited to
208 requirements for the issuance, renewal, denial, suspension, and revocation of a license to
209 operate an end stage renal disease facility. The rules adopted by the board pursuant to this
210 Code section shall not conflict with any federal law or regulation applicable to end stage
211 renal disease facilities or personnel thereof and shall set forth minimum standards for the
212 health, safety, and protection of the patient being served.

213 (b) ~~The department shall establish a Renal Dialysis Advisory Council to advise the~~
214 ~~department regarding licensing and inspection of end stage renal disease facilities. The~~

215 council shall be composed of a minimum of 13 persons appointed by the board: one
216 member recommended by the Dogwood Chapter of the American Nephrology Nurses
217 Association; one member recommended by the Georgia Association of Kidney Patients;
218 two physicians specializing in nephrology recommended by the Georgia Renal Physicians
219 Association; one member recommended by the National Kidney Foundation of Georgia;
220 two administrators of facilities certified as outpatient dialysis facilities in Georgia; three
221 members of the general public, two of whom shall be dialysis patients or family members
222 of dialysis patients; one member representing technicians working in renal dialysis
223 facilities; one member representing social workers working in renal dialysis facilities; and
224 one member representing dietitians working in renal dialysis facilities.

225 (c) Members of the council shall serve four-year terms and until their successors are
226 appointed and qualified. No member of the council shall serve more than two consecutive
227 terms. The council shall meet as frequently as the department considers necessary, but not
228 less than twice each year. The council shall be consulted and have the opportunity to
229 evaluate all rules promulgated by the department under this chapter applicable to end stage
230 renal disease facilities prior to their adoption. Members shall serve without compensation."

231 SECTION 11-2.

232 Any assets of the Renal Dialysis Advisory Council existing as of June 30, 2019, shall
233 devolve by operation of law and without further action to the State of Georgia on July 1,
234 2019. Any liabilities and obligations of the Renal Dialysis Advisory Council existing as of
235 June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such
236 instruments as may be required to maintain the same.

237 PART XII

238 SECTION 12-1.

239 Code Section 31-47-1 of the Official Code of Georgia Annotated, relating to the purpose of
240 the Arthritis Prevention and Control Program, is amended by revising subsections (c) through
241 (e) as follows:

242 "(c) The Department of Public Health shall establish and coordinate an advisory panel on
243 arthritis which shall provide nongovernmental input regarding the Arthritis Prevention and
244 Control Program. Membership shall include, but shall not be limited to, persons with
245 arthritis, public health educators, medical experts on arthritis, providers of arthritis health
246 care, persons knowledgeable in health promotion and education, and representatives of
247 national arthritis organizations and their local chapters."

248 ~~(d)(c)~~ The Department of Public Health shall use, but shall not be limited to, strategies
249 consistent with the National Arthritis Action Plan and existing state planning efforts to
250 raise public awareness and knowledge about the causes and nature of arthritis, personal risk
251 factors, the value of prevention and early detection, ways to minimize preventable pain,
252 and options for diagnosing and treating the disease.

253 ~~(e)(d)(1)~~ Subject to appropriation or access to other private or public funds, the
254 Department of Public Health may replicate and use successful arthritis programs and
255 enter into contracts and purchase materials or services from entities with appropriate
256 expertise for such services and materials as are necessary to carry out the goals of the
257 Arthritis Prevention and Control Program.

258 (2) Subject to appropriation or access to other private or public funds, the Department
259 of Public Health may enter into agreements with national organizations with expertise in
260 arthritis to implement parts of the Arthritis Prevention and Control Program."

261 **SECTION 12-2.**

262 Any assets of the Arthritis Prevention and Control Program advisory panel existing as of
263 June 30, 2019, shall devolve by operation of law and without further action to the State of
264 Georgia on July 1, 2019. Any liabilities and obligations of the Arthritis Prevention and
265 Control Program advisory panel existing as of June 30, 2019, shall be transferred to and
266 assumed by the State of Georgia, by such instruments as may be required to maintain the
267 same.

268 **PART XIII**

269 **SECTION 13-1.**

270 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by
271 repealing Code Section 33-1-19, relating to the Special Advisory Commission on Mandated
272 Health Insurance Benefits, and designating said Code section as reserved.

273 **SECTION 13-2.**

274 Any assets of the Special Advisory Commission on Mandated Health Insurance Benefits
275 existing as of June 30, 2019, shall devolve by operation of law and without further action to
276 the State of Georgia on July 1, 2019. Any liabilities and obligations of the Special Advisory
277 Commission on Mandated Health Insurance Benefits existing as of June 30, 2019, shall be
278 transferred to and assumed by the State of Georgia, by such instruments as may be required
279 to maintain the same.

280

PART XIV

281

SECTION 14-1.

282 Chapter 29A of Title 33 of the Official Code of Georgia Annotated, relating to individual
283 health insurance coverage, is amended by repealing Article 2, relating to the Commission on
284 the Georgia Health Insurance Risk Pool, and designating said article as reserved.

285

SECTION 14-2.

286 Any assets of the Commission on the Georgia Health Insurance Risk Pool existing as of June
287 30, 2019, shall devolve by operation of law and without further action to the State of Georgia
288 on July 1, 2019. Any liabilities and obligations of the Commission on the Georgia Health
289 Insurance Risk Pool existing as of June 30, 2019, shall be transferred to and assumed by the
290 State of Georgia, by such instruments as may be required to maintain the same.

291

PART XV

292

SECTION 15-1.

293 Chapter 6 of Title 49 of the Official Code of Georgia Annotated, relating to services for the
294 aging, is amended by repealing Article 3, relating to the Georgia Silver-Haired Legislature,
295 and designating said article as reserved.

296

SECTION 15-2.

297 Any assets of the Georgia Silver-Haired Legislature existing as of June 30, 2019, shall
298 devolve by operation of law and without further action to the State of Georgia on July 1,
299 2019. Any liabilities and obligations of the Georgia Silver-Haired Legislature existing as of
300 June 30, 2019, shall be transferred to and assumed by the State of Georgia, by such
301 instruments as may be required to maintain the same.

302

PART XVI

303

SECTION 16-1.

304 Code Section 50-7-115 of the Official Code of Georgia Annotated, relating to the placing of
305 signage at film and television production sites along the Georgia Film and Television Trail,
306 is amended by revising subsection (c) as follows:

307 "(c) Notwithstanding the provisions of any other statute concerning the improvement of
308 land held in fee simple by the State of Georgia, the Department of Transportation shall be
309 authorized to expend state funds, subject to appropriations, for construction, placement, and

310 maintenance of the signs indicating the film or television production locations designated
311 by the department ~~and may through purchase, easement, lease, or donation."~~

312 **PART XVII**

313 **SECTION 17-1.**

314 This Act shall become effective on July 1, 2019.

315 **SECTION 17-2.**

316 All laws and parts of laws in conflict with this Act are repealed.